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Speech of Roscoe Conkling, of
in the House of Representatives
April 29, 1862

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IAL COMMITTEE ON GOVERNMENT CONTRACTS—WHAT IT HAS DONE.



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SPEECH

OF



ROSCOE CONKLING, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, APRIL 29, 1862.

The House having under consideration the report of the select committee on Government contracts—

Mr. ROSCOE CONKLING said:

Mr. SPEAKER: On the 17th of July last, in common with about fifty other members of this House, I voted against the permission then asked by the committee on Government contracts to do much which since that time they have done. It was the opinion then of some of the oldest and most experienced members of the House that such a proceeding as that proposed would not be wise under any circumstances. It seemed so to me. It seemed to me that no committee could be so honest or so eminent that it would be suitable to clothe it with the unheard of powers asked for on that occasion. It seemed to me unfit to create a supervisory board and set it over all the Departments of the Government to review, at its own pleasure and in its own way, the integrity and motive of every man engaged in the administration of public affairs. It seemed to me that a roving commission, virtually irresponsible, to sit in judgment, open or secret, at its option, upon the honesty or fraud of all future contracts and transactions, to be entered into by any Department of the Government, was open to grave objections, and found little argument in its favor of a kind calculated to commend it to the sound discretion of the House. We had at that time, as we have at all times, power to call for every contract from time to time, and to inspect and inquire into all the transactions of each Department of the Government. We had then, as we have now, two standing committees, with but little occupation, whose duties are identical with those professed by this committee; we could instruct them as often as the House should deem it necessary to inquire and report; and therefore it seemed to me that the enormous powers asked for were fraught with dangerous objections, and likely to be productive of pernicious and odious results.

The hesitation of the House, however, aroused the displeasure of at least one member of the committee. The gentleman from Massachusetts [Mr. DAWES] felt himself attacked, and came to the defense. He protested his innocence of bad motives which no one had imputed to him; he denied several charges which no one had made, and hinted broadly that he would resign unless the House indulged him in the permission asked for. That indulgence was granted, and I think it safe to say now, that experience has vindicated and approved every objection then insisted upon. The doings of the committee—its extraordinary doings—have led to the most wide-spread misapprehensions and exaggerations. They have filled the whole country with indiscriminate suspicion and distrust. The political complexion of the committee is such that its sayings and doings were calculated to have far greater effect than would have been the case if it had stood in political antagonism to the present Administration. Its flitting constantly from State to State, sometimes from one side of the Union to the other, the vague mystery in which it has been enshrouded, with its still vaguer givings out, its secret sessions, and above all, the sweeping and unmeasured declarations of some of its members, have engendered the belief, not only at home but abroad—and I judge from the foreign papers, more abroad than at home—that corruption and venality are universal in this country, and that swindling and theft, like the frogs of Egypt, have entered the very kneading-troughs of the land. Such an impression is a wicked aspersion upon the American people; it is as false of them as of any nation in history, and if possible more false now in the hour of their patriotic trial than ever in the time of their prosperity and peace. I charge no man with a design to do this great wrong, but it has been done, and as an humble lover of my country I deplore it with impatient regret. In addition to this all-em-

bracing injury, proceedings of the committee have done injustice—gross, irreparable injustice, to individuals and classes. So much is admitted now, though not voluntarily admitted; but it is said to have arisen from inadvertence and mistake. So be it; that does not lighten the obloquy which has blasted private character and public reputation.

My proposition is that the nation, the Government, classes of individuals, and individuals themselves, have suffered in character; that we have lost caste, and that much harm has come, not from detecting or exposing fraud or extravagance, but from magnifying and exaggerating what has happened, and charging and publishing to the world what has never happened at all. The gentleman from Massachusetts [Mr. DAWES] said the other day, if I read him aright in the Globe, that the plundering under this present Administration had been as great as the expenditures under that hated dynasty which the people had hurled from power. Sir, if that statement is true, the American people would be justified in resorting to anything short of revolution to snatch power from men who wield it for such horrible prostitution.

Mr. DAWES. I am sorry that the gentleman did not read me aright in the Globe. If he read me aright he would have seen that I said it would nearly equal that.

Mr. ROSCOE CONKLING. I will read the statement precisely as it appears in the Globe, revised by the gentleman himself. I have no purpose to do him an injustice. Said the gentleman from Massachusetts:

“The gentleman must remember that in the first year of a Republican Administration, which came into power upon professions of reform and retrenchment, there is indubitable evidence abroad in the land that somebody has plundered the public Treasury well nigh in that single year as much as the entire current yearly expenses of the Government during the Administration which the people hurled from power because of its corruption.”

I say that if this statement can be verified the people would be warranted in rising *en masse* and demanding, by any means short of revolution, the correction of abuses and evils too intolerable and atrocious to be longer endured.

Groundless as it may be, it has gone forth as an announcement by the committee—gone beyond recall. Yes, sir, a poisoned arrow, poisoned with the virus of exaggeration, and feathered with the franking privilege, has been shot far and wide to the remotest confines of the loyal States of the Republic. Like other statements and insinuations made by that gentleman, however elaborately they may have been prepared and conned over, this is a reproach, an impeachment of the existing Government, which I think, on reflection, he will long to recall. But, sir, another evil, greater, perhaps, than any other, has resulted from these anomalous proceedings. A system of semi-judicial, one-sided trial and condemnation has been inaugurated for the first time, I am happy to know, in the history of the nation; a system which finds no place in any enlightened jurisprudence, nor in the genius of any free Government, and no defense in any sound code of morals; a system utterly subversive of the plainest principles and safeguards of justice and the rights of the citizen. Jurisdic-

tion has been assumed of the characters of men, and their rights of property, and judgments blasting to both have been pronounced on *ex parte* testimony, testimony taken in secret, and of which the parties aspersed were never informed. Men have thus been tried unheard, and convicted, stigmatized, and hung up to fester in infamy as long as their names can retain a place on the roll of remembered names.

The gentleman from Massachusetts felt constrained to admit the odious character of such a mode of investigation in ordinary cases; but he contended that the principle of justice embodied in the amendment offered by the gentleman from Indiana [Mr. COLFAX] had no application here—and why, forsooth? I ask the attention of the House to the distinction to which the gentleman from Massachusetts is driven—worthy, I must say, of this extraordinary age of invention, and of the strait in which the inventor finds himself placed. Why, says the gentleman, if you were only to deal with a man's character, you ought to give him notice and hear him; but if you are to deal with his character and property too, then you may try and condemn him unheard on *ex parte* testimony. He says his committee was appointed to investigate fraud “in contracts,” and not in persons, and that, therefore, they were right in organizing a star chamber, and condemning men without their knowing that they were accused; cleaving down the rights and characters of citizens, and leaving them to find it out when some abstract of concealed evidence went over the wires, telegraphed from the West or from the East, and only confirmed when this report came in as a sort of corollary at the commencement of this session. The gentleman must have borrowed somebody's thunder, I think, before making that suggestion. He must have heard learned lawyers talk who have declared that if you fairly try and convict a man as a traitor, you cannot take away his lands; but if you only call him a traitor, and assume that he is a traitor, you can take all his property forever by a little proceeding *in rem*; so the gentleman considers this a proceeding *in rem*, and thinks that he has violated no principle of justice or humanity in the investigations he has made, or in the indelible stigmas he has attempted to affix.

Sir, contracts do not commit fraud. Persons commit fraud. If there be fraud in a contract somebody has put it there, somebody has committed it. I would like to know how to investigate frauds in contracts without bringing into question the character and acts of individuals. If the investigation was solely as to things, and did not relate to persons, I hope every member of the House will take home to himself this question: how came this committee to report and publish to the world the names of individuals and to pass final judgment on them as the guilty actors in transactions denounced in the report as worse than fraudulent? How comes it that theft is charged upon civilians and soldiers, and painted in colors blacker than the hues of common fraud or robbery, because laid at the door of those who stood in a double trust, not merely as citizens of this Republic, upon whom confidence and honors have been showered, in the hour of its agony, but as

the sworn trustees to guard its Treasury and its funds?

Sir, if the doctrine put forth by the gentleman from Massachusetts is sound, what becomes of the principle which lies at the foundation of the right of trial by jury? What did Edmund Burke mean when he said that the greatest object of civil government was to get twelve honest men into the jury box? What becomes of that principle inwrought with every jurisprudence, from the twelve tables down, which gave the Athenian, and has given the meanest culprit ever since, the right to say, "strike, but hear me?" The gentleman said that the gentleman from Indiana [Mr. COLFAX] complained the other day because the committee did not send for General Frémont and ask him to consult with them and assist them in the investigation of fraudulent contracts. No, sir. The gentleman from Indiana never said that. The gentleman from Indiana complained, and I say "Amen," that not the committee, but a fraction of it, went to the far West, and in the absence of a major general in the field, while he stood facing the enemies of his country, privily, clandestinely, collected *ex parte* and even hearsay evidence against him, tending to blast his character as a general, as a citizen, and as a man, and came back with it in their pocket, never informing him that he had been drawn into question; never giving him an opportunity to offer an explanation or to hand in the name of a witness. That, if I apprehended the gentleman from Indiana, was the complaint he made. I refer to it now merely as an illustration, because I have other matters to discuss within my hour than the rights or wrongs of Major General Frémont.

It may be that the committee deemed all its acts entirely defensible; but that is not the question, and will not be the question for us to pass upon. The House must, for itself and in its own behalf, pronounce its own judgment as to the just and proper mode in which committees should proceed.

The gentleman from Massachusetts evinced great sensitiveness and emotion at the idea that the committee might be discharged by the House. There seems no reason for his taking the matter so much to heart, and he must have mistaken somewhat the spirit in which such a motion may be made or supported. I suppose that in theory of parliamentary law, at least, a committee has no interest in such a question, *pro* or *con*. Committees are creatures of the House, and the body which had the power to give has the power to take away. I should be very sorry to have it supposed, when I vote—as I shall whenever the opportunity is presented—to dissolve the committee, that my action implied any personal discourtesy to any gentleman of the House, whether he be a member of the committee or not. Gentlemen around me say that these are their sentiments also. The simple idea is, that this is a pioneer experiment, a new thing, never tried before, and it has turned out badly, and the House ought to dispense with it.

And now, sir, having spoken of some evils, which, I think, have flowed from raising this committee and enlarging its powers, I would like to put the question, what practical good has resulted

from these unusual proceedings to offset the harm it must be admitted they have done?

It is claimed in the first place, as I understand, that frauds have been detected which, without such a committee, would not have been found out. It is claimed, in the second place, that money has been saved by the committee, which would otherwise have been lost.

Mr. Speaker, I have taken some pains to inform myself on both these points, and do not understand that either of them can be successfully maintained. I think no fraud has even been developed by the committee which would have remained buried had they not dug it up. Their report sets out with the steamboat Cataline. Well, sir, that affair was notorious all over the State of New York before I left my home to come to the session at which this committee was created. It passed in review in a court of justice, where the witnesses were called *pro* and *con*., many months ago. So with the purchase of ships by George Morgan, in New York; that, too, was publicly known, the knowledge of it was as public as the New York Herald could make it before the committee ever gave it its attention. So with regard to the fortifications at St. Louis.

Mr. HOLMAN. Will the gentleman from New York inform the House what information he had in reference to the fortifications at St. Louis prior to the last session of Congress, and also what investigation had occurred before a court of justice in reference to the Cataline before we adjourned last summer?

Mr. ROSCOE CONKLING. My friend puts two questions to me, which I will be happy to answer, though they both rest upon false premises. I did not say that the matter of the steamboat Cataline had been investigated in court before the adjournment of the last session. I said it had been done many months ago.

Mr. HOLMAN. I ask the gentleman whether he did not intend to leave the impression that this investigation took place before the organization of this committee?

Mr. ROSCOE CONKLING. I intended most specifically to leave the impression that nothing in this report that I have ever read, or that any man has read, has added one scintilla of material fact to that which was notorious before the report was made, and notorious by means of information totally independent of the committee. I mean to say that I heard in general about the affair at my home, and heard the particulars about it in the city of New York on my way to the session of Congress which created the committee.

Mr. HOLMAN. I trust the gentleman will answer my question. I ask him whether he did not intend to convey the impression upon the mind of the House that this investigation occurred before the creation of the committee?

Mr. ROSCOE CONKLING. I should be happy to oblige the gentleman, if I could make the admission he asks me to; but I cannot. Candor compels me to answer that I did not intend to create any such impression. If I had, I should have been very likely to say so, as it is quite my habit to say what I mean. I repeat, that there may be no doubt about my meaning, that the affair of the

steamboat Cataline was notorious in the country before this committee was raised, and that it passed in review before a court in New York long months ago. I had no other impression upon my own mind, and I intended to convey no other.

The other question of the gentleman from Indiana about the fortifications at St. Louis being a topic of discussion before our adjournment last summer, seems to me very far fetched, because those fortifications were not built before that adjournment, and if they did not exist at that time, perhaps the gentleman will be able himself to judge how long they had then been talked about. What I say is, that those fortifications, and their alleged extravagance, had become food for itemmen of newspapers and others before the committee ever saw them, or took testimony about them. This is true, not only of the fortifications, but of the trash relating to the department of the West. The fifty pairs of kid gloves, the retinue of mounted men going to Jefferson City, the splendor of quarters and equipage, and a great variety of clap-trap was got up by those who had the advantage of the committee of being earlier on the ground. My friend from Indiana, [Mr. COLFAX,] in a letter written, I believe, to his own paper in Indiana, had referred fully to all that history and tattle a long time before.

Mr. COLFAX. I did not indorse the tattle.

Mr. ROSCOE CONKLING. No, sir; the gentleman did not indorse or countenance it in any way. Now, I return to the statement that I am not aware that a single transaction has been unearthed by this committee which, without their excavations, has not become known to the public.

Mr. DAWES. I dislike to interrupt the gentleman from New York.

Mr. ROSCOE CONKLING. It gives me great pleasure to yield to the gentleman.

Mr. DAWES. I should like to have my friend tell us what he knew of the New Bedford and Starbuck matter until the investigation was made by the committee, the matter disclosed, and the money paid back?

Mr. ROSCOE CONKLING. Oh, Mr. Speaker, I should not have forgotten the Starbuck-New Bedford matter. That is a part of my case. That has been paraded and repared; it has appeared and disappeared and reappeared, and been made to stalk over the stage; the changes have been rung upon it as something for which the gratitude of the nation was due to the rescuers of \$6,166 48, until no man could forget the New Bedford transaction, even if he wanted to.

The gentleman from Massachusetts said the other day in his speech that he and his associates had saved "*fabulous*" sums of money to the Treasury. I have read somewhere that the actor Garrick once said that he would give a hundred pounds if he could say "Oh," as Whitfield did. Sir, I would give a hundred pounds, if I was not too poor, if I could only say "*fabulous*," as the gentleman from Massachusetts did. Yes, sir, *fabulous* indeed, entirely *fabulous*. [Laughter.]

Let us see a little about the dollars and cents which these gentlemen have saved to the Government. In the first place, this report puts forth—and the gentleman from Massachusetts, with that

extreme temperance and moderation of assertion which is one of his distinguishing characteristics, repeated the other day that \$6,166 48 was saved to the Treasury—"we saved it," says the gentleman, \$6,166 48; that is the amount exactly; it is engraved on my memory. The gentleman impresses us with a vague belief that by some sort of alchemy, by some sleight-of-hand, known only to the committee, this amount of specie was extracted from the crucible of fraud, lugged all the way to Washington, and dropped into an empty Treasury, resounding as it struck the bottom. [Laughter.]

Now, I undertake, confining myself to evidence before us, to say that the committee on Government contracts no more recovered this money, no more determined the question whether it should be returned to the Treasury, than I did, not a bit.

What was done in this case? Mr. Aspinwall, of New York, one of the men who has run the gauntlet of this committee, and remains undefiled with the soil of accusation—Mr. Aspinwall, of New York, recommended to Commodore Breeze a man by the name of Starbuck, to buy vessels. Starbuck went to New Bedford, and bought two vessels, the Roman and the Badger. He paid a small sum and turned them over to the Government for a large sum, which he was paid, and \$6,166 48 is the amount of over payment. The committee claim, in the grave language of the gentleman from Massachusetts, that they brought back and put into the Treasury this amount of money; it must have happened when they came back from a foray on one of those "gay and festive" occasions when they "took the field in person" to investigate contracts.

Now, Mr. Speaker, let us look for a moment at the title by which the committee is to hold the credit of saving this sum. At one of the first meetings of the committee, they called, as we might have done, upon the Navy Department, for a complete statement of contracts and purchases, with the names and residence of the parties. On reaching the city of New York, they called before them Commodore Breeze, and this was before going to New Bedford at all—and I am now partly upon a rejoinder to the point of which my friend from Indiana [Mr. HOLMAN] is tenacious—I want to show him, not only that the money could have been recovered without a committee, but that there was no Christopher Columbus upon this committee, no man who discovered a continent or even a fraud. Commodore Breeze, in his statement before the committee, conveyed to them fully for all practical purposes, preliminary to the Government instituting legal proceedings, the facts and circumstances in regard to this transaction. And what is more important still, he testified that he had already given the facts to the Department. They asked him if these vessels had recently changed hands before the Government had received them. I will read from his testimony:

"Answer. I heard indirectly that they had been sold at a much less price to somebody else, whether at auction or not I do not know. But the Government paid about seven thousand three hundred dollars each for them. When I got them to the dock of the yard I had to expend some two thousand dollars upon them by way of repairs.

"Question. Who was this agent you employed?

"Answer. His name was Starbuck.

"Question. Of whom did he make the purchase?

"Answer. They were citizens of New Bedford, but I do not recollect their names."

Then follows a statement about the arrangement made by Mr. Aspinwall for the payment for these vessels; and then comes this evidence:

"Question. Who made the payment?

"Answer. Mr. Aspinwall; and hence I wrote to the Department at Washington that, under the circumstances, I desired that Mr. Aspinwall might be considered the purchaser and not myself. They acceded to that request, inasmuch as I was ordered to coal the vessels and dispatch them.

"Question. At what price did you understand that these vessels had been purchased shortly before they were purchased by the Government?

"Answer. A letter was written to one of my lieutenants, by a resident of New Bedford, expressing his surprise at the price paid, and stated that the vessels had been sold a short time before for \$2,500 each.

"Question. Were the vessels worth more than \$2,500 each?

"Answer. One of them certainly was not; and the other, after we put the repairs on her, might have been worth about what we paid for her.

"Question. State whether you informed the Navy Department of the circumstances under which these vessels were purchased through the agency of Mr. Aspinwall?

"Answer. Certainly."

Now, Mr. Speaker, after that testimony was delivered, the committee went to New Bedford, and there the collector of that port and some other public officers and a commission merchant appeared before them and told the story over again more fully than Commodore Breeze had done, but whether more fully than he had communicated to the Department, does not appear. Shortly afterward the district attorney of the southern district of New York instituted proceedings for the recovery of the money. In consequence of these proceedings, Starbuck disgorged and paid back the money to Mr. Cisco, the sub-Treasurer at New York, and a certificate of that fact was handed to the committee, and they sent it by mail to the Secretary of the Treasury, and then put down in their journal, with solemn formality, that on such a day was transmitted to the Secretary of the Treasury, through the acting chairman of the committee, a certificate of deposit with Mr. Cisco for \$6,166 48.

Now, my point is this: Commodore Breeze had ascertained this fraud and had lodged in the Navy Department information of the fact. The remaining step necessary was to direct the district attorney for the southern district of New York to prosecute the claim, and I want to know whether it was necessary to send a committee of seven members of this House, with a stenographer and Sergeant-at-Arms, all the way up to New Bedford to see the collector of the customs there and others, who have constant communication with the Government here, and are no doubt frequently here themselves; and especially when Starbuck, the known actor in the matter, was all the time a business man, not in New Bedford, but in New York?

Mr. DAWES. The gentleman omits to state that, after all these papers were laid before the Navy Department by Commodore Breeze, the Navy Department nevertheless paid for the vessel the full price asked for by this charter; and he omits to state—I suppose because it did not attract his attention—that the reason the district

attorney instituted process was because the committee, on their return from New Bedford, laid their testimony before him, and was in his office when it was instituted, and when the money was paid over. I suppose that that did not attract his attention.

Mr. ROSCOE CONKLING. Will the Chair be kind enough to inform me how much time I have left?

The SPEAKER. Eighteen minutes.

Mr. DAWES. Permit me—

Mr. ROSCOE CONKLING. The gentleman will pardon me, I trust, for declining to yield further; my time is so nearly gone.

Mr. DAWES. I do not want to consume the gentleman's time.

Mr. ROSCOE CONKLING. Let me set the gentleman right about his facts. Neither the Navy Department nor the Government ever paid Starbuck at all. Howland & Aspinwall paid him, having advanced the money or credit to him before he left New York to buy the ships. All the Government had to do with making payment was to reimburse Howland & Aspinwall. This was done, of course. They had advanced the money in good faith, and were entitled to its repayment on every principle of equity, regardless of Starbuck's acts. This disposes of all the gentleman says I omitted to state, except that the Government had not been as expeditious as it might have been, and in ordinary times probably would have been, in taking steps to reclaim from Starbuck the excess of money in his hands. This is as natural as it is true. The pressure of events has been such that, no doubt, all classes of prosecutions directed by the Executive Departments at Washington are far in arrears, unless, perhaps, it be those of a very important public nature. But it would all have come in due time, committee or no committee. I am fully persuaded that it is an error to suppose that a congressional committee was needed, or essentially useful, either in the Starbuck or the Boker matter, which latter has been referred to as a saving of \$1,300,000 by the committee. The Boker contract, as will be seen from the report of General Ripley, (pp. 75 to 84, inclusive,) needed no investigation or action beyond that instituted by the appropriate Department. The whole facts were of record in the War Office, and underwent thorough scrutiny there in the regular old-fashioned way. The matter was referred to the commission on contracts for arms, and after that was adjusted by the Secretary of War.

Now, Mr. Speaker, passing by several other things, I come to the cost of such investigations. The present committee is an expensive luxury; it can hardly be deemed one of the necessities of life; I do not know but it should have been taxed in the tax bill, as one of the showy ornaments of legislation. There is an expense account which ought to be preserved as one of the relics of the rebellion, and I propose to take it out and air it a little this morning. The gross sum cannot yet be stated accurately, but I understand that \$20,000 has already been received by these gentlemen, who have made the tour of the continent at the public expense. In addition to this sum considerable

amounts are still outstanding. These amounts are thousands more. I call the attention of the House to the journal of the committee, containing as it does, an entry such as other journals do not contain, an entry which I commend to the curious and the honest. While the committee remained here, that is before it began to rove, two things are noticeable in its journal; one is, that it was content with the homely phraseology of civil life, and the other is, that some one was responsible as the author and mover of the resolutions of the committee. The form was, "on motion of Mr. So and So, resolved." But when they took the field, they dropped resolved and adopted the more expressive and authoritative military term of "ordered." One of the first orders they made, is an order which nobody stands sponsor for; it is anonymous and needs to be carefully read to be comprehended. I commend it to those accomplished in the science of statutory construction, and to those who would like to know how money is sometimes rapidly acquired. Here it is, August 29, 1861, at New York:

"Ordered, That the Sergeant-at-Arms be directed to pay, as a part of the expenses of this committee, the traveling and other necessary expenses of the several members thereof, and also their necessary traveling and other expenses while attending to the duties of the committee; the allowance for traveling from their respective places of residence, and pay while on the duties of the committee to be the same as that usually paid to witnesses."

That is twenty cents a mile, ten cents each way, and a per diem of two dollars beside. Now, sir, there are some unpleasant rumors on this subject owing to "mistakes of the printer," or to "confounding different men of the same name." It is said that members of this reform committee have taken the amount of money indicated there, and had their expenses profusely paid beside out of the impoverished public Treasury. I can hardly believe it. I suggest to the lawyers of the House some questions in regard to such an appropriation of public money to private use merely as questions of law. The Constitution of the United States says that Representatives in Congress shall receive a compensation to be "*ascertained by law.*" That is what the Constitution says. The law says that each Representative shall receive \$6,000 a Congress—that is, for the two sessions—and mileage by the most usually traveled route from his home to the capital. That, then, is the amount "*ascertained by law.*" Now, if there is any law or warrant anywhere by which \$5,000, besides all their pay, had been put into the pockets of certain members of this body before they made their report on the 17th of December—and some thousands more have been taken since that time—I should like to hear that statute read, even though it should consume all my time.

The gentleman from Massachusetts, [Mr. DAWES], in his modest recitals of his labors, stated that he had ridden and ridden "while others slept." There is something very touching in that; Jack Downing would have called it "teching." On a previous occasion the same gentleman asserted that he had ridden six thousand miles "*without compensation.*" I confess, in the light of the facts as they turn out, these long rides are hard; they must be so irksome and fatiguing. I pity the gentleman,

as I see him now in my mind's eye the chosen champion of economy, the knight-errant of scrupulous honesty and pecuniary exactness, mounted on his favorite Rosanante, attended by his faithful Sancho Panza, the sergeant-at-arms, and attended further by a stenographer to record his heroic struggles with those who would take anything from the Treasury, leaving his home slowly and sadly, in these troublous times, and proceeding from Boston to St. Louis, from St. Louis to New Bedford, from New Bedford to Harrisburg, from Harrisburg to New York, and all for the low price of twenty cents a mile, besides free living and pay per diem. There is nothing like it for cheapness; it beats the showman's advertisement where he says, "the speaking pig, the fat boy, Tom Thumb, and the slippery wiggler, and all for the low price of one shilling." Now, Mr. Speaker, this committee never received from this House, even if the House could give it, any permission to take this money and convert it to private use. On the contrary, the resolution was,

"That the Sergeant-at-Arms of the House be directed to attend in person, or by assistant, the sittings of the committee, and serve all the subpoenas put into his hands by the committee, pay the fees of all witnesses, and the necessary expenses of the committee."

There is not a shadow of right to mileage here, still less to per diem.

They report, December 17, that "the members" had traveled between six and seven thousand miles. This would amount, in mileage alone, without per diem or expenses up to that time, to about five thousand dollars.

Mr. F. A. CONKLING. Has any other committee taken it?

Mr. ROSCOE CONKLING. None that I have ever heard of. I had the honor once to serve on a special investigating committee, and it went to New York, and rode "while others slept," and worked while others slept; but no man on that committee ever dreamed of taking mileage and per diem. My colleague asks whether members of any other committee have taken mileage or per diem. If the Covode committee did so, my colleague [Mr. OLIN] will know it; he was a member of it. If the committee on the conduct of the war has done so, no doubt some gentleman will be found to state it. If the Kansas committee took a cent beyond actual expenses, somebody will know it. I state the facts as they are, with no desire to wound any man; but if we are to have a committee costing twenty or thirty thousand dollars up to this time, assailing men and blackening their characters—whether justly or unjustly I will not say at this moment—I say that it behooves us to know whether it does any good, and how much it costs; and in these times it behooves us to know whether any one is rifling the Treasury, either inside or out.

One other thing I should like to have explained before leaving this point. Until by accident—a hint being given me very recently—I discovered the little "order" on the journal, hid away in the ponderous volume of testimony, too big to be opened, I had relied upon a statement in the report of the committee, and was, of course, totally deceived—as every one must be—as to the amount

of money absorbed by the committee, and for what purpose it had gone.

Page 2 of the report contains this passage:

"The expenses of the committee paid thus far, (excepting the pay of the stenographer,) being for the traveling and other expenses of the committee, for the mileage and fees of witnesses, for the mileage and fees of the Sergeant-at-Arms, for messenger hire, for stationery, rent of rooms, telegraphing, express charges, &c., amount to the sum of \$3,153 38."

Is that statement true, sir?

When speaking of witnesses and the Sergeant-at-Arms, the report uses the words "mileage and fees;" but when speaking of the committee, the words are "traveling and other expenses." Was this accidental? Was it "a mistake of the printer?" which makes a distinction between what witnesses received and what the members of the committee took? Why did not the report inform us that mileage and pay, besides their pay as Representatives, had been taken? If we were not to be told this, would it not have been enough to conceal and suppress the fact without a positive affirmative misstatement?

It shows, Mr. Speaker, that a little mileage is a dangerous thing. That is what Pope would say if he lived now. Mileage is like liquor, if tasted in excess men become slaves to it; but it usually takes long to fasten the habit in so inveterate a degree as would seem to be the case here. I do not see how it can have become so aggravated a case in so short a time. If there had been anybody on the committee who ever heard of a Representative who for many years successively made a mistake every year of six or seven hundred miles in certifying the distance of his home from the capital, and thus put in his pocket perhaps \$489, not his own, year after year, that would have accounted for it. But as it is, who can account for it?

It must be admitted that rather a dubious example has been set, and that a precedent has been established which is not good for the frugality or for the morals of the nation.

Now, there are various other things, all *in rem*, which I would like to remark upon, and which I should not omit if I had time; but I suppose my time has substantially expired, and I would inquire again how much time I still have?

The SPEAKER. Ten minutes.

Mr. ROSCOE CONKLING. That's a long lease here, and it gives me time to speak of this: the other day, when the gentleman from Massachusetts [Mr. DAWES] had the floor, and had spoken as long as by the rules of the House any member is entitled to speak, I objected to his continuing. When he resumed the floor he went through the ceremony of an apology to me, which was partly inaudible where I sat, and unintelligible for another reason, as I happened to be out of the House during that portion of his preceding remarks which had most pointed reference to me.

But looking at the Globe the next day, I saw what the design of the gentleman was. It was to convey to the House the impression that I felt offended at the pleasantry which he had indulged concerning me, and retaliated upon him with an objection for that reason. I had assigned a different reason for my objection, and how far it be-

came the gentleman, how far it was proper, and how far it was egotistical, to make the suggestion that he had wounded my feelings, is a question for him. I heard enough of his speech to regret deeply what I heard, and on no account personal to myself. I heard enough of his speech to believe that it was not calculated to promote those objects which he professed to have in view, and I was weary of hearing the gentleman's wail *se defendendo*, and of hearing him drag into common suspicion half, if not all, the officers of the Government. From the report of his speech, it must have been, as a success, the most magnificent affair on record. The gentleman seems to have roamed through the House like the stately boar of the forest, tearing with his tusks, and tossing into the air every one he encountered; the ground must have been strewn far and wide with the mangled bodies of his victims. Judging from the amount of laughter and applause which appears in the report, revised and improved by the gentleman himself, it must have been the wittiest, the funniest, the most excruciatingly side-splitting production that was ever brought forth, even by the gentleman himself. Among other things, he made himself most merry at my expense; and I want to admit that fairly and most effectually he put the laugh upon me. That is all right. But a great man has said that it is not from the laughers alone that the philosophy of history is learned.

A few days ago, when the gentleman from Pennsylvania [Mr. STEVENS] was speaking of the young man Sacchi, who has been gibbeted by the committee at the cross-roads of public opinion as a swindler, I was thinking of another stranger who came from the vine-clad hills of France, and ranged himself by the side of our fathers upon the bloody battle-fields of the American Revolution. The stranger of whom I was thinking is he whose picture alone, by the side of Washington's, is allowed to adorn the tapestries of this Hall. I recollected that in 1824, when La Fayette revisited this country, one of New England's orators applied to him, in the city of Boston, some beautiful words which had lingered long in my memory. And, struck, as the gentleman was speaking, with the general parallel between the stranger who came then and the stranger who came now to espouse our cause, I made application of the quotation to the case in hand. It was a needless thing; it was an ill-judged thing, if you please, but it injured no one, and might have given a harmless pleasure to him, I meant to praise. The gentleman from Massachusetts [Mr. DAWES] thinks it was poetry, and poor poetry. Well, there was a time when Charles Sprague held distinguished eminence in the republic of letters, and it was God's mercy to him that he did not live in Massachusetts at a time when the proprieties of speech have been so highly cultivated there that his sentences are tawdry and offensive to the delicate, fastidious ears of the distinguished gentleman who represents one district, at least, I do not know but more, of the glorious old Commonwealth.

But I have another purpose in referring to this now; one member of this committee said yesterday that he had not heard yet who Sacchi was; and in pitiful imitation of the gentleman from

Massachusetts, he broke down in the attempt to plagiarize a laugh by repeating over again the words I had quoted from Sprague, that he "fought for freedom in freedom's holy land." I do not know Sacchi; I never saw him; but I know his story as it was told me by General Frémont, and I will repeat it as well as I can remember it. He said that when clouds of revolution had gathered here, and the first muttering of the storm began to be heard in Europe, there came to him in Paris a young man bringing letters of introduction and testimonials from the highest military and social sources in France and Italy. He had been the companion in arms of Garibaldi, and had served with honorable distinction in the Italian campaign, which had then recently closed. He said to General Frémont, "I see by the public journals that there is to be a struggle of arms on the continent of America, and if so, I wish to cast in my lot with those who strike for constitutional liberty and the maintenance of the American Republic." General Frémont told him that, as an American citizen, he thanked him for his sympathy, but had no authority to offer him position, nor even to say that his services would be accepted. After a brief interview they parted, and General Frémont soon returned home, and in, perhaps, the darkest and most portentous hour of American history was assigned to the department of the West. One morning a stranger was announced, and the general was surprised to recognize the young soldier with whom he had conversed in Paris. But there he was; he said, "I am still bent upon my purpose; I have followed you across the ocean, and all I ask is to fight under the starry banner of your great Republic." General Frémont attached

him to his staff, and he remained while his chief remained; and I understand that to this hour he has never asked or received a farthing from the Government he has served.

Mr. HOLMAN. I wish to ask the gentleman—

Mr. ROSCOE CONKLING. No, sir; I decline to yield.

Mr. HOLMAN. I hope the gentleman from New York will—

Mr. ROSCOE CONKLING. I decline to yield. I decline absolutely. I repeat again every statement I made the other day—I repeat again, for so the letters presented to General Frémont attested, that this slandered stranger was decorated for conspicuous bravery upon the burning battle-fields of Italy. I repeat again that he followed the star of liberty across the sea, not for pay, but because he believed—who laughs at Sacchi now?

[Here the hammer fell.]

NOTE.—The next day the following resolution was adopted—yeas 90, nays 41.

Resolved, That the course adopted by the naval investigating committee of 1859, of communicating to officers of the Government copies of evidence apparently adverse to them, and giving them the opportunity to cross-examine the witnesses against them, or to refute or explain their testimony is, in the opinion of this House, worthy of imitation wherever practicable, by investigating committees appointed by order of the House of Representatives, especially where the said committees receive and collect such testimony in secret session; and that it is contrary to the plainest principles of justice to condemn any citizen upon *ex parte* evidence taken against him by a committee in secret, and the purport of which has not, if practicable, been laid before him by said committee, with an opportunity to explain or refute it before their report.

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